

UNITED STATES DISTRICT COURT
DISTRICT OF PUERTO RICO

MARISOL COLON ORTIZ, et als.,
Plaintiffs

CIVIL NO. 03-1989(DRD)

v.

MUNICIPALITY OF SAN JUAN, et als.,
Defendants

ORDER

Pending before the Court is co-defendant Jorge Santini's *Motion for Reconsideration and to Exclude Plaintiffs' Expert Witness*. (Docket No. 95). Through said motion, Santini requests the Court reconsider its previous decision summarily denying their motion for brevis disposition for being filed **six weeks** outside of the previously set deadline. Santini explains that it was not until October 5, 2005 that he received certain transcripts to depositions essential to his motion for summary judgment and blames plaintiffs' failure to comply with discovery obligations as the culprit in hampering his ability to file a timely motion. However, the Court notes that, at no point during the extraordinarily extended discovery period, or the six weeks thereafter before co-defendant filed the motion for summary judgment, did Santini so much as inform the Court of said situation. Once again, the Court must emphasize that it **cannot** allow litigants to treat scheduling orders "as a frivolous piece of paper idly entered, which can be cavalierly disregarded without peril." See O'Connell v. Hyatt Hotels of Puerto Rico, 357 F.3d 152, 155 (1st Cir. 2004). It was co-defendant's own negligence as to this fact that set the stage for the decision that was to follow. Accordingly, this Court must **DENY** his request for reconsideration and **REAFFIRM** its previous decision summarily denying his request for summary judgment.

Finally, as for Santini's request to exclude plaintiffs' expert witness, the Court will **HOLD IN ABEYANCE** disposition of said matter until all parties have had a chance to oppose said request. Therefore, oppositions to said request shall be filed with the Court **on or before Friday, November 4, 2005. NO EXTENSIONS WILL BE GRANTED. NO REPLIES OR SUR-REPLIES WILL BE ALLOWED.**

IT IS SO ORDERED.

Date: October 24, 2004

S/ Daniel R. Dominguez
DANIEL R. DOMINGUEZ
U.S. DISTRICT JUDGE